

December 9, 2022

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

In Re: **Docket No. 2005-83-A:** Public Service Commission of South Carolina
Administrative and Procedural Matters;
Docket No. 2022-162-E: Procedural Schedule for the Integrated Resource Plans
(IRPs) Filed with the Public Service Commission;

Dear Ms. Boyd:

This letter serves as the Southern Environmental Law Center's ("SELC") notice of intent to participate in the December 12, 2022 Follow-up Forum regarding the Procedural Schedules for the 2023 Integrated Resource Plan ("IRP") Proceedings. SELC currently represents a variety of environmental non-profit clients, including the South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, Upstate Forever, Natural Resources Defense Council, and Sierra Club, in numerous Commission proceedings, and expects to appear on behalf of these or similar clients throughout 2023 and 2024.

2023 IRP Proceedings

SELC continues to support the Office of Regulatory Staff's ("ORS") proposed schedules for each of the 2023 IRP proceedings as presented at the initial November 15, 2022, Forum. The Commission Staff's new proposed schedules raise several concerns. Notably, for the Duke Energy IRP proceeding, the new proposed schedule would reduce the time between the IRP filing and intervenor direct testimony from approximately five to four months. For Santee Cooper, the new proposed schedule would reduce the more than four months between the IRP filing and intervenor direct testimony in ORS's proposed schedule to just three months. These schedule changes will make it more challenging for intervenors to prepare comprehensive and complete direct testimony, which is vital to a robust IRP proceeding. Setting intervenor direct testimony for December 15, 2023, in the Duke Energy proceeding will also create a major conflict for those intervenors who wish to participate in the Santee Cooper IRP hearing on December 4, 2023.

In addition, SELC notes that all parties consented to or supported ORS's proposed schedules for the DESC and Santee Cooper proceedings, and thus urges Commission Staff to adopt those schedules without change. SELC understands that ORS's and Duke Energy's proposals differed on the rebuttal testimony deadline, and we reiterate our suggestion that

Commission Staff adopt a compromise and set the rebuttal testimony deadline for February 16th or 19th, 2024. The below table summarizes SELC's preferred schedule:

| SELC's Preferred Schedule | | | | | | |
|---|-------------|----------------|-------------------|-------------------------------------|-------------|-----------|
| | Filing Date | Utility Direct | Intervenor Direct | Rebuttal | Surrebuttal | Hearing |
| Duke Energy (*ORS Proposed Schedule with change to Rebuttal) | 8/15/2023 | 10/24/2023 | 1/16/2023 | 2/16/2024 <i>or</i> 2/19/2024 | 3/5/2024 | 3/18/2024 |
| Dominion Energy South Carolina (*ORS Proposed Schedule) | 1/30/2023 | 4/4/2023 | 6/27/2023 | 7/25/2023 | 8/15/2023 | 8/28/2023 |
| Santee Cooper (*ORS and Santee Cooper Proposed Schedule) | 5/15/2023 | 7/14/2023 | 9/22/2023 | 10/27/2023 | 11/17/2023 | 12/4/2023 |

IRP Update Proceedings

Lastly, regarding the IRP update deadlines, SELC agrees with ORS and the utilities that those deadlines should not be set until the conclusion of the triennial IRP proceedings, as IRP updates must be based on a final, approved IRP. Of course, SELC understands that waiting until that point to set IRP update schedules has created procedural conflicts with the full IRP schedules. In order to condense IRP Update proceedings and hopefully avoid future conflicts, SELC recommends that intervenor comments be due on the same day as the ORS report.

Further, while SELC agrees that IRP update proceedings are necessarily limited proceedings, Act 62 nevertheless permits the Commission, "[a]fter reviewing the annual update and the [ORS] report, to accept the annual update *or* direct the electrical utility to make changes to the annual update that the commission determines to be in the public interest." S.C. Code Ann. § 58-37-40 (D)(2). Contrary to Duke Energy's suggestion in its Dec 6, 2022, Letter, nothing about this statutory language prohibits consideration by the Commission of intervenors' comments on the IRP update. Rather, this provision sets out the general timeline of IRP update proceedings and grants the Commission the discretion to require changes to IRP updates that are in the public interest. The Commission, as an expert administrative body, is of course permitted to consider the input of ORS and other parties to the extent it finds that information relevant to its public interest determination.

Thank you for considering these comments. Please do not hesitate to contact us if you have any questions.

Sincerely,

s/Kate Mixson

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Southern Environmental Law Center

CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via first class U.S. Mail or electronic mail with a copy of the Southern Environmental Law Center and the Carolinas Clean Energy Business Association's *Comments on 2023 Integrated Resource Plan Procedural Schedules and Notice of Intent to Participate in Follow-up Forum*.

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This 9th day of December, 2022.

s/Kate Lee Mixson